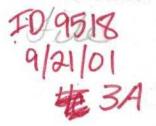


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 10

1200 Sixth Avenue Seattle, Washington 98101



September 21, 2001

IDD 67092 9578

Reply To Attn Of: WCM-121



CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Rob J. Hartman FMC/Astaris Corporation Phosphorus Chemical Division Box 4111 Pocatello, ID 83205

Re: Notice of Deficiency (NOD) -- Section 6.6, Pond 18 Resource Conservation and Recovery Act (RCRA) Closure Plan, Schedule for Completing Closure. EPA ID No. IDD 07092 9518

Dear Mr. Hartman:

The United States Environmental Protection Agency Region 10 ("EPA") received the Closure Plan for Pond 18, Cell A and Cell B, on August 31, 2001, and for Pond 17 in June 2001. As part of the Closure Plans, FMC has requested approval of an extended closure period pursuant to 40 C.F.R. §265.113(b). Although not explicitly stated in Volume 3 of the Pond 18 Cell B Closure Plan, FMC/Astaris is requesting that this pond be allowed to continue in operation until dewatering of Cell A is complete, which may exceed four years.

EPA continues to be concerned about the potential for phosphine and hydrogen cyanide emissions from these ponds, and seek a closure schedule which minimizes the likelihood and/or amount of such releases.

While EPA may - pursuant to 40 C.F.R. 265.113(b) - approve a closure period longer than 180 days, such an approval would be dependent on FMC/Astaris providing a convincing demonstration that the closure could not reasonably or safely be completed within the standard 180-day time period.

In order for EPA to approve such a schedule, FMC/Astaris must provide a detailed closure schedule and justification for why closure will, of necessity, take longer than the 180 days allowed for under 40 C.F.R. 265.113(b). In addition to the schedule with justification, the following specific items must be addressed in your response:

- 1) An explanation for the delayed initiation of work to prepare the pond for phase 1 of closure.
- 2) Justification for the proposed use of Pond 18 Cell B for the discharge of decant water from Pond 18 Cell A. This justification must include a detailed water balance for the production plant, calciner, and LDR waste treatment system, including losses through evaporation and pond leakage to justify the proposed use of Cell B for decant water from Pond 18 Cell A.

Please provide the above information within 30 days of receipt of this NOD. Your response must address EPA and Tribal concerns about phosphine and hydrogen cyanide emissions during the closure period, including plans to monitor emissions and control access and exposures to protect human health and the environment. Following EPA's review, we will inform you of our determination, which could include: approval, approval with modification, or disapproval of the Pond 18 Closure Plan. If you have any questions regarding this request, please contact Linda Meyer at (206) 553-6636.

Sincerely,

Richard A. Albright, Director
Office of Waste and Chemical Management

cc: Susan Hanson, Shoshone-Bannock Tribes Jeanette Wolfley, Shoshone-Bannock Tribes Blaine Edmo, Chairman, Fort Hall Business Council Robert J. Fields, FMC bcc: A. Boyd, Office of Regional Counsel

- S. Burges, Office of Waste and Chemical Management
- L. Meyer, Office of Waste and Chemical Management
- G. Haselberger, Office of Enforcement and Compliance

123		(ES	PC	POLICY FILE	
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Name:	permits team	Sylvia Burges	Linda Meyer	Andy Boyd	If policy file please bcc to RMSPU Manager	
Date:	9/21/01		9/21/01			
RCRIS EVENT SNC IDENTIFICATION (Can it be entered in RCRIS?)			Yes			
REGION 10	POLICY FIL	E		Yes		No 🗆

SENDER: COMPLETE THIS SECT	TION	COMPLETE TH	HIS SECTION ON DELIVE	RY
 Complete items 1, 2, and 3. Also item 4 if Restricted Delivery is de Print your name and address on a so that we can return the card to Attach this card to the back of the or on the front if space permits. 	sired. the reverse you.	C. Signature	Edwards (Date of Delivery A - 2 / Agent Addressee
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